IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

A. O. of 179 OF 2001

SHRI.PRAKASH MARUTI SONAWANE ... Appellant
vs.
M/S.HOMELAND DEVELOPERS &; ANOTHER ... Respondents

Atul P. Vanarse for appellant.

CORAM: D. G. KARNIK **J.**

DATE: 17th October 2006

P.C.:

1. Heard counsel for the appellant. None present for the respondent when called.
2. Appellant is the owner of the suit property. By a development agreement dated 11th March 1999 the appellant permitted the respondents to develop the suit property on the terms and conditions mentioned therein. As the respondent committed breach of the terms and conditions of the development agreement the appellant terminated the development agreement and filed a suit, bearing Special Civil Suit No. 51 of 2000, in the court of Civil Judge, Senior Division, Pune for a declaration that the development agreement dated 11th March 1999 as also the General Power

of Attorney of even date executed in favour of the respondent stood terminated and for an injunction restraining the respondents from entering upon the suit property and from carrying out any development thereof. In the suit the appellant applied for a relief of interim injunction restraining the respondents from entering upon in the suit property and carrying out any development work therein. By an order dated 15th December 2000 the learned Civil Judge, Senior Division dismissed the appellant's application. That order is impugned in this appeal.

3. By an order dated 31st July 2001 this court directed both the parties to maintain status quo in respect of the suit property . The said order of status quo granted by this court in July 2001 is in force till today for a period of more than 5 years. I am informed at the bar that the suit which is filed in the year 2001 is posted for issues and the suit is likely to be heard in a short while. In the circumstances it would be appropriate to direct the parties to maintain status quo as directed by this court by its interim order dated 31st July 2001 and direct expeditious hearing of the suit. Learned counsel for the appellant has no objection for this.

4. In the circumstances, the impugned order is set aside and parties are directed to maintain status quo as it existed on 31st July 2001. In other words the interim order passed by this

court on 31st July 2001 shall be operative till the decision of the suit. Hearing of the suit is expedited. The trial court is directed to hear the suit expeditiously and in any event within a period of two years. Appeal is disposed of accordingly.

(D.G. KARNIK J.)